

REMARKS

Applicants have amended the claims to more precisely define and distinguish the present invention over the cited prior art. In particular, independent claims 1 and 6 are directed to a system and software for managing and controlling access to a digital image file. In particular, there is provided a server for allowing controlled access which has communication capability of communicating with a plurality of user computers, at least one of the user computers having at least one digital image file. The server includes a software program for controlling access by the server to the at least one digital image file stored on the user computer and for permitting automatic access to the digital image file through said server by a third party. There is also provided that the server monitors access by the third party without any further authorization by the user. Thus, in the present invention, there is only one party that has direct access with the user computer, that is the server. Third party users have access only to the digital image that is obtained by the server. Thus, there is no direct access to the user computer by the third party. Instead, the user of the first user computer has provided authorization with respect to various third parties that can access digital images but only allows one any direct access to the digital image file that is stored on the user computer.

The Examiner, in the Official Action, has rejected claims 1-16 under 35 USC § 102(e) as being anticipated by Niamir for the reasons set forth therein. As the Examiner has noted, the Niamir reference is directed to a peer-to-peer system where individual people provided on the peer have access to each others computer. This is in contrast to the present invention where only a single entity has direct access to the user computer having the stored digital image. In the Niamir reference there is an authorization process wherein users use an ID and password for allowing access to each other's computers. As set forth in paragraph 2, the Niamir reference is directed for publishing retrieving classified listings. As set forth in paragraph 3, the invention in Niamir relates to method and apparatus for generating, maintaining, sharing and searching for classified listing information. As is also set forth in paragraph 37 of Niamir, other embodiments of the invention use peer-to-peer techniques for making listings and available for searching. In the Niamir reference various users are searching each other's user

listings directly in the peer-to-peer type relationship. In the present invention, images are allowed to be shared only through the use of an intermediary server wherein a server is only authorized to have direct access to the digital image on the computer and third parties must have access to the server. Access to the image may be for a single image or for any and all of the images stored on a user computer. However, in the present invention the third party never has direct access but can obtain direct access to the actual image files through the server. Thus, once a third party has been authorized to have access to images, access is provided only through the server. The server is the only entity that can have direct access and automatic access at any appropriate time.

In the present invention, the server need not store the high resolution image, only a representation i.e., thumbnail of the image, whereby the third party having determined that it wishes to obtain access to the high resolution it is the server that obtains access to the high resolution image thereto. Thus, there is provided a system whereby the server need not have large databases of images yet allow various people to have direct access to the high resolution image without having multiple individuals accessing the user computer. It is respectfully submitted that the prior art totally fails to teach or suggest the invention as currently set forth.

In view of the foregoing it is respectfully submitted that the claims in their present form are in condition for allowance and such action is respectfully requested.

Respectfully submitted,



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